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SIPDIS

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SUBJECT: COSTA RICA RESPONSE - WHTO IGWG ANTI-IP PROPOSALS

REF: SECSTATE 121503

11. (SBU) On September 7, 2007, EmbOffs met with Gabriela Castro and Susana Vasquez at Costa Rica's Ministry of Commerce and Trade (COMEX) to discuss the Costa Rican response to reftel's message. The COMEX officials said that due to the upcoming referendum to ratify Costa Rica's participation in the Central American Free Trade Agreement (CAFTA-DR), the GOCR needed to be very careful in addressing delicate trade issues in the weeks before the October 7 vote. Continual polling shows that Costa Ricans opposed to the trade deal list the perceived negative impact of CAFTA-DR on health care in the country as a prominent reason why they will vote against the deal. Due to the sensitive nature of this IPR issue, the COMEX officials do not believe the GOCR will take any action that could bring attention to this issue prior to the referendum.

12. (SBU) Castro said that this request comes at a time when COMEX trade experts are crashing on finalizing the legislation needed for Costa Rica to fulfill its CAFTA-DR obligations. COMEX hopes to have the legislation ready for the Costa Rican congress' approval immediately after the October 7 referendum. COMEX officials involved with preparing the legislation affecting IPR are traveling to Washington D.C. the week of September 10 to conduct further consultations with USTR on issues related to fully implementing Costa Rica's CAFTA-DR obligations.

13. (U) The flurry of activity makes it even more difficult for COMEX to sacrifice trade or IPR experts to travel to the Ottawa meetings. However, Castro said that if Costa Rica can satisfactorily complete consultations with USTR on IPR issues during the upcoming trip to Washington D.C., the GOCR can "think about achieving a common perspective on the WHO issue and sending a COMEX trade official with the Ministry of Health delegation to the upcoming September 20-21 meetings."

14. (U) COMMENT: Although we would certainly not want to encourage the creation of campaign points for the "No" campaign, Post believes that COMEX participation in the IGWG meeting would not create an issue that is sufficiently high profile to warrant attention by the Costa Rican public. Nonetheless, we also believe that the likelihood of COMEX achieving its goal of wrapping up its consultations prior to the October 7 referendum is unlikely. Thus, it is unlikely that COMEX officials will travel to Ottawa.

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